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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/147, 094 10/27/98 YAMASHITA

A P-7355-8002

LM02/1012

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EXAMINER

SAJOUS, W

ART UNIT	PAPER NUMBER
	2672

DATE MAILED:

10/12/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. <b>09/147,094</b>	Applicant(s) <b>Yamashita et al.</b>
	Examiner <b>WESNER SAJOUS</b>	Group Art Unit <b>2672</b>

Responsive to communication(s) filed on Jul 28, 2000.

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1-9 and 11-13 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-9 and 11-13 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### **Remarks**

This action is responsive to the communication filed on July 28, 2000.

This application has been reconsidered. Claims 1-9, 11-13 are pending. Applicants arguments have considered but are deemed to be moot in view of the new ground of rejections.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9, 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roop (5790198).

Considering claims 1-3, Roop sets forth all claimed limitation of the invention, but lacks explicit recitations of displaying a plurality of program guides on a display unit in a matrix form using ordinate and abscissa as channel axis and time axis, and show the means for displaying to discriminate a time zone based on designation by a user.

Nonetheless, Roop, in his embodiments, provides a method in which television schedule information is broadcast in the VBI of a television broadcast, schedule programs for a user's broadcast area or cable system is compiled from the broadcast, and the schedule is displayed on

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the user's set for interactive use (col. 1, lines 17-25). He provides that the schedule program information is stored and displayed in the form of a "Grid Guide" on the TV screen... (col. 13, lines 1-5). In providing the schedule program information in the form of a "Grid Guide" on the TV screen, one of ordinary skill in the art ~~could~~ understand and recognize that such grid guide for the program schedule would have been a matrix form including ordinate and abscissa as axis for the channel numbers and starting/ending time, respectively, for the schedule program guide ~~as~~ well known in the field of television electronic program guide. Such grid could have included and displaying on the screen a plurality of program guides.

Further, Roop, at col. 2, lines, 26-40, depicts that when implementing a television schedule system on a national or international basis, provision must be made for different time zones to adjust times in the schedule for the different time zones in transmitting the schedule adds. At col. 7, lines 5-10, he provides that the system include a central data processing system for identifying the transmitting television schedule data by time relative to other transmitted television schedule data. The system includes packets with error detection information. The information embedded in a packet is termed a message which consists of one or more commands. There are various commands, each type distinguish by a unique code number. Commands contain the different types of information necessary to construct and maintain TV schedule database, time markers, etc... (col. 11, lines 57-64).

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Based on the above disclosure, it is understood that Roop's system would have enable the user to distinguish a time zone for the different information embedded on the packet, when implementing television schedule systems on an international basis.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Roop as to provide a display of a plurality of program guides on a display unit in a matrix form using ordinate and abscissa as channel axis and time axis, and show the means for displaying to discriminate a time zone based on designation by a user, so as to allow a user to select a television program or pay-per-view program which is presently being broadcast at a time interval relative to the user particular time zone. In modified Roop as such, a user would be able to distinguish between pay-per-view programs that is present or not present for purchase at their local time zone. Colors could have been applied to distinguish programs of different locality as provided by Custom Color Converter 126 (fig. 5) for overlay display.

As per claims 4 and 5, Roop sets forth all claimed subject matters of the invention as applied in above claims 1-3 rejections, but fails show the means for displaying a mark indicating a direction of the channel axis and direction of purchased program present in a time zone.

By the rationale sets forth in above claims 1-3 rejections and in view of Roop's embodiments, the Examiner takes official notice that such feature of displaying a mark indicating direction on a program guide is well known in the art and would have been obvious by the ordinary skill in the art at the time the invention was made because Roop allows user interaction of the program guide by means of a remote controller. Scrolling up, down, left and right on the

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grid guide upon manipulation of a remote control. Such mark might have been displayed or presented at any form or shape, such as a bar mark-up, a pointer or arrow or as a shaded form.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Roop as such, in order to have a user friendly system. the claimed "discriminatingly displaying means... time zone.." is met by fig. 2, item 4.

Considering claims 6-7, Roop sets forth all claimed limitation of the invention, but lacks explicit recitations of setting means for allowing an arbitrary time zone to be set by a user, and discriminatingly displaying means effecting display to discriminate the time zone set by the user and other time zone.

Nonetheless, Roop, at col. 2, lines, 26-40, depicts that when implementing a television schedule system on a national or international basis, provision must be made for different time zones to adjust times in the schedule for the different time zones in transmitting the schedule adds. The information is displayed in the form of a grid guide when the customer presses a button on the remote control (col. 13, lines 1-5). Thus, such remote could have been used as a setting means to allow the user to set an arbitrary time zone.

Further, at col. 7, lines 5-10, he provides that the system include a central data processing system for identifying the transmitting television schedule data by time relative to other transmitted television schedule data. The system includes packets with error detection information. The information embedded in a packet is termed a message which consists of one or more commands. There are various commands, each type distinguish by a unique code

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number. Commands contain the different types of information necessary to construct and maintain TV schedule database, time markers, etc... (col. 11, lines 57-64).

Based on the above disclosure, it is understood that Roop's system would have enable the user to distinguish a time zone for the different information embedded on the packet, when implementing television schedule systems on an international basis, so as to discriminate the time zone set by the user and other time zone.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Roop as to provide a setting means for allowing an arbitrary time zone to be set by a user, and discriminatingly displaying means effecting display to discriminate the time zone set by the user and other time zone. Such modification would allow a user to select a television program or pay-per-view program which is presently being broadcast at a time interval relative to the user particular time zone. In modified Roop as such, a user would be able to distinguish between pay-per-view programs that is present or not present for purchase at their local time zone. Colors could have been applied to distinguish programs of different locality as provided by Custom Color Converter 126 (fig. 5) for overlay display.

In claims 8, and 9 the claimed "setting means allows the starting time and end time..." and the claimed "set for each day of the week by the user" would have been obvious over Roop's disclosure since Roop provides the display of program guide schedule which could be interacted with by a user by means of a remote control. Such guide could have included the start and ending time, and day of the week for a particular program.

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Claim 11 is for the apparatus of claim 1 and is similarly rejected.

Claim 12 is for the apparatus of claim 6 and is similarly rejected.

Claim 13 includes the limitations of claims 6-8, and is rejected by the same basis and rationales set forth in above claims 6-8.

*Conclusion*

**Any response to this action should be mailed to :**

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**or faxed to:**

(703) 308-9051, (for formal communications; please mark “EXPEDITED PROCEDURE”)

**Or:**

(703) 308-5399 (for informal or draft communications, please label “PROPOSED” or “DRAFT”)

Hand-held delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA , 6th floor (receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesner Sajous whose telephone number is (703) 308- 5857. The examiner can also be reached on alternate Fridays. If attempts to reach the examiner by telephone are

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unsuccessful, the examiner's supervisor, supervisor, Mark R. Powell, can be reached at (703) 305-9703. The fax phone number for this group is (703) 308-6606.

*Wesner Sajous - WPS*  
*Patent Examiner, art unit 2672*

October 6, 2000

*Mark R. Powell*

MARK R. POWELL  
SUPERVISORY PATENT EXAMINER  
GROUP 2700